

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	
)	
)	
v.)	Criminal No. 4:15-339-BHH
)	Civil No. 4:17-2199-BHH
Joseph Hemingway,)	
)	
Defendant/Movant.)	<u>ORDER</u>
_____)	

On August 17, 2017, Joseph Hemingway ("Movant") filed a pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The Court ordered the government to file a response, and after being granted an extension of time, the government filed a response and a motion to dismiss on November 13, 2017. The same day, the Court issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), explaining the applicable rules and notifying Hemingway of the possible consequences of failing to respond to the government's motion. Thereafter, on November 30, 2017, Hemingway filed a motion for an extension of time to file his response. He also filed a motion to discovery and a motion to temporarily stay this case.

In his motion for an extension of time, Hemingway asserts that he has not received a copy of the affidavit filed by counsel on October 31, 2017, and he asks for a 30-day extension of time to respond from the date he receives a copy of the affidavit. In his motion for discovery, he seeks copies of certain records, and in his motion to stay, Hemingway requests that the Court stay this case pending the Supreme Court's decision in *Sessions v. Dimaya*.

After review, the Court grants Hemingway's motion for an extension of time (ECF

No. 62) and instructs the Clerk of Court to mail to Hemingway, along with a copy of this order, a copy of counsel's affidavit filed at ECF Number 58. Hemingway's response to the government's motion is now due on or before January 22, 2018. The Court also grants in part Hemingway's motion for discovery (ECF No. 63) and instructs the Clerk of Court to send to Hemingway a copy of ECF Number 40, which Hemingway specifically referenced in his motion. The Court denies Hemingway's other discovery requests at this time and instead asks that the Clerk of Court provide Hemingway with a letter outlining the costs and the way to purchase copies of his transcripts and other docket entries. Lastly, the Court denies Hemingway's motion to temporarily stay this case (ECF No. 64).

AND IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce H. Hendricks
United States District Judge

December 13, 2017
Charleston, South Carolina